



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC - 3 2014

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article number: 7005 3110 0000 5966 6234

Mr. Basil Bullock, Director
Environmental Care and Safety
Coney Island Hospital
2601 Ocean Parkway
Brooklyn, NY 11235

RE: **Notice of Violation**
RCRA § 3007 Information Request Letter

Dear Mr. Bullock:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § § 6901 et seq.

Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), the EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272. For the purposes of this Notice of Violation and Information Request, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

The State of New York is authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New York.

The Notice of Violation (NOV) portion of this letter (see Enclosure I) is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 U.S.C. § § 6901, 6928. Issuance of this NOV and compliance with its terms does not preclude EPA from taking formal enforcement action against you and/or your company, including a monetary penalty, under § 3008 of RCRA, 42 U.S.C. § 6928, or any other applicable regulation or statute.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA may require parties who handle or have handled hazardous waste to provide information relating to such wastes. Pursuant to the statutory provisions cited above, EPA hereby requires that you provide the information requested in Enclosure II, using the instructions and definitions included in

Enclosure III. This information is necessary to determine the compliance status of Coney Island Hospital.

Please provide the information requested no later than (30) calendar days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official or agent of your company, using the form in Enclosure IV to this letter. Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law, including but not limited to a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. 6928. Please also note that all information you provide may be used in an administrative, civil judicial, or criminal action.

The response to the request in the enclosure must be mailed to the following address:

Abdool Jabar
Environmental Engineer
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency- Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or enclosing to) the information at the time it is submitted, a cover sheet, stamped or typed with the legend, or other suitable form of notice, such as "trade secret," "proprietary," or "company confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act (PRA), as amended, 44 U.S.C. Part 3501 et seq.

Failure to respond in full to this requirement is a violation of RCRA and may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of a monetary penalty. Such penalties may be up to \$ 37,500 per day per violation.

For consistency, please provide your answers in a format which is keyed to the questions outlined in Enclosure II.

If you have any questions regarding this matter, please contact Mr. Abdool Jabar at (212) 637-4051 or jabar.abdool@epa.gov.

Sincerely yours,



Leonard Voo, Chief
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance

Enclosures: Enclosure I Notice of Violation
 Enclosure II Information Request
 Enclosure III Instructions & Definition
 Enclosure IV Certification of Answers

cc: Russ Brauksieck, Supervisor
 Hazardous Waste Compliance Unit
 New York State Department of Environmental
 Conservation

ENCLOSURE I

On or about June 22, 2014, a duly authorized representative of the U.S. Environmental Protection Agency conducted a compliance evaluation inspection of Coney Island Hospital located at 2601 Ocean Parkway, Brooklyn, NY 11235. At the time of the inspection, your facility was found to be out of compliance with regulations applicable to generators of hazardous waste. Based on observations made during the inspection, it was determined that the following violations of RCRA regulations existed at your facility:

1. Pursuant to 6 NYCRR § 372-2(a)(8)(i)(a)(2), a generator may accumulate up to 55 gallons of hazardous waste or 1 kilogram of acutely hazardous waste in containers at or near the point of generation provided the generator..... (2) marks the containers with the words "Hazardous Waste" and other words that identify the contents of the containers.

At the time of the referenced inspection, Coney Island Hospital was accumulating hazardous waste (thin prep solution) in two 1 gallon containers in the cytology laboratory and the containers were not marked with the words "Hazardous Waste" and other words to identify their contents.

2. Pursuant to 6 NYCRR § 373-3.9(f), the owner or operator of a hazardous waste facility must maintain aisle space to allow unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency unless aisle is not needed for any of these purposes.

At the time of the inspection, Coney Island Hospital did not have aisle space in the hazardous waste container storage area.

3. Pursuant to 6 NYCRR § 373-3.9(e), the hazardous waste container storage area must be inspected once a week.

At the time of the inspection, Coney Island Hospital personnel failed to produce evidence that the main hazardous waste container storage area was inspected on a weekly basis during the past 3 years.

4. Pursuant to 6 NYCRR § 373-3.3(c)(2), the hazardous waste facility's hazardous waste storage area must be equipped with a device such as a telephone (immediately available at the scene of operations) or a hand-held, two-way radio capable of summoning emergency assistance from the local police departments, fire departments, or emergency response teams.

At the time of the inspection, Coney Island Hospital had a telephone in the main accumulation area; however, it was non-functional.

5. Pursuant to 6 NYCRR § 373-3.2(g)(4)(i), a large quantity generator must document the job title for each position at the facility related to hazardous waste management and name the employee filling each job.

At the time of the inspection, Coney Island Hospital did not have the documentation described in the paragraph above.

6. Pursuant to 6 NYCRR § 373-3.2(g)(4)(ii), a large quantity generator must prepare a written job description for each position as it relates to hazardous waste management.

At the time of the inspection, Coney Island Hospital did not have a written job description for each position as it relates to hazardous waste.

7. Pursuant to 6 NYCRR § 373-3.2(g)(4)(iii), a large quantity generator must have a written description of the type and amount of both introductory and continuing training that will be given to each person related to hazardous waste management.

At the time of the inspection, Coney Island Hospital did not have a written description of the amount of introductory and continuing training that will be given to each person related to hazardous waste management.

8. Pursuant to 6 NYCRR § 373-3.2(g)(1)(i),(ii) and (iii), the training program must be directed by a person trained in hazardous waste management procedures and must include instruction which teaches facility personnel hazardous waste procedures (including contingency plan implementation) relevant to the positions in which they are employed. The components are:

- (1) Procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment.
- (2) Communication or alarm systems
- (3) Response to fires and explosions
- (4) Shutdown of facility

At the time of the inspection, Coney Island did not have documentation to prove that its training program is directed by a person trained in hazardous waste management procedures.

9. Pursuant to 6 NYCRR § 373-3.2(g)(2), facility personnel at a large quantity generator facility must have successfully completed the training program by the effective date of the regulations or six months after the date of their employment,

At the time of the inspection, no records were produced to show that facility personnel were trained as required in the paragraph above.

10. Pursuant to 6 NYCRR § 373-3.2(g)(3), facility personnel must take part in an annual review of the initial required training.

At the time of the inspection, no records were produced to show that facility personnel handling hazardous waste took part in the annual review of their initial training.

11. Pursuant to 373-3.2(g)(5), training records on current personnel must be kept permanently at the facility.

At the time of the inspection, training records of the current personnel handling hazardous waste were not kept at the site.

12. Pursuant to 6 NYCRR §373-3.4(b)(1), a large quantity generator must have a Contingency Plan or some other plan which incorporates hazardous waste management.

At the time of the inspection, Coney Island Hospital did not have a contingency plan or some other plan which incorporates hazardous waste management.

13. Pursuant to 6 NYCRR §373-3.4(d)(1), copies of the contingency plan are to be maintained the Facility.

At the time of the inspection, copies of the contingency plan were not maintained at the facility.

14. Pursuant to 6 NYCRR §373-3.4(d)(2), copies of the contingency plan must be submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

At the time of the inspection, copies of the contingency plan had not been provided to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

15. Pursuant to 6 NYCRR § 374-3.2 (e)(5), a small quantity handler of universal waste must label each lamp or each container or package containing such lamps with the words "Universal Waste-Lamps" or "Waste Lamps" or "Used Lamps".

At the time of the inspection, Coney Island Hospital was storing thirty five boxes of spent light bulbs and the boxes were not labeled with the words "Universal Waste-Lamps" or "Waste Lamps" or "Used Lamps".

16. Pursuant to 6 NYCRR § 374-3.2(f)(3), Small Quantity Handlers of Universal Waste must be able to demonstrate the length of time by marking the date, maintaining an inventory or by any other method.

At the time of the inspection Coney Island was not able to demonstrate the length of time it stored its Universal Waste batteries and fluorescent light bulbs.

17. Pursuant to 6 NYCRR § 374-3.2(d)(i), Small Quantity Handlers of Universal Waste must manage spent fluorescent light bulbs in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps. Containers or packages must be closed and show no evidence of leakage, spillage, or damage.

At the time of the inspection, Coney Island Hospital stored spent fluorescent light bulbs in 2 boxes which were not closed.

ENCLOSURE II

Based on a review of the information obtained during this RCRA inspection (the "Inspection"), EPA has determined that the following information is required to evaluate Coney Island Hospital's compliance with the RCRA regulations.

1. With regards to the violations cited in the above Notice of Violation (Enclosure I), please provide a description of the actions taken to correct the violations cited and provide documentation, including photographs (where applicable), verifying that each violation has been corrected; or a rebuttal of the violation.

The relevant time period of the following questions is June 2011 through the date of the receipt of this letter, unless otherwise specified.

2. Prior to May 2012, Coney Island Hospital was a Small Quantity Generator of hazardous waste and had not manifested off site any P-listed hazardous waste. Please indicate if such waste was generated prior to that time. If yes, what P-listed waste was generated and what amounts of each waste was generated on a monthly basis. How were they disposed of?

3. A review of hazardous waste manifests showed that, as of May 2012, Coney Island Hospital became a large quantity generator of hazardous waste, mainly by generating over 1 kilogram of acute (P-listed) hazardous waste. Except for November 2012 and February 2013, the amount of acute (P-listed) hazardous waste generated each month ranged from 69.18 kilograms to 547 kilograms.

(a) Please explain the change in operations or circumstances which caused Coney Island Hospital to become a large quantity generator in May 2012. Please indicate whether the amounts of P-listed wastes on the hazardous waste manifests were only P-listed wastes, or if they included non-P-listed wastes that were mixed with P-listed wastes and thus considered P-listed wastes due to the mixture rule.

(b) Where were the P-listed wastes mixed with the non P-listed hazardous wastes?

(c) After the hazardous waste is taken to the hazardous waste container storage area, is it possible to separate the P-listed waste from the non P-listed waste? Please explain.

(d) Is it possible to manage P-listed wastes separately from non P-listed wastes from the point of generation to the point of disposal?

(e) Please provide copies of invoices showing your purchases from January 1, 2011 to present of drugs that, when disposed of, may be designated a P-listed waste.

4. If you have changed, or plan to change, the way you manage your P-listed waste, please explain in detail how the waste will be managed.

5.(a) Were there any Coney Island Hospital employees transporting hazardous waste from the satellite accumulation areas to any of the hazardous waste container areas? If yes were they

trained as required by 6 NYCRR § 373-3.3(g)(2) and 6 NYCRR § 373-3.3(g)(3)? If yes, please provide documentation.

(b) Were there any Stericycle employees transporting hazardous waste from the satellite accumulation areas to any of the hazardous waste container areas? If yes were they trained as required by 6 NYCRR § 373-3.3(g)(2) and 6 NYCRR § 373-3.3(g)(3)? If yes, please provide documentation.

(c) At the time of the inspection, did Coney Island have any of the training documents required to be kept by LQGs? If yes, when the documentation was prepared? Please provide a copy.

(d) At the time of the inspection, had Coney Island Hospital made any arrangements with the local police departments, fire departments, hospitals, contractors and State and local emergency response teams to coordinate emergency services if needed? If yes, provide a description of the arrangements agreed to by the local police departments, fire departments, hospitals, contractors and State and local emergency response teams.

ENCLOSURE III
INSTRUCTIONS AND DEFINITIONS

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility. The signatory must complete and return the attached Certification of Answers to Responses to Request for Information.
2. A complete response must be made to each individual question in this request for information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The company and/or facility for the purposes of this Request for Information is Coney Island Hospital located at 2601 Ocean Parkway, Brooklyn, NY 11235.

11. A generator of hazardous waste for the purposes of this Request for Information shall be defined as any person (which includes this facility), by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.
12. Solid waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(27) of RCRA, as amended, 42 U.S.C. Part 6903(27).
13. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Part 6903(5).
14. Manage shall be defined for the purposes of this Request for Information as to market, generate, treat, store, dispose or otherwise handle.

ENCLOSURE IV
CERTIFICATION OF ANSWERS

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name (print or type)

SIGNATURE

DATE

TITLE